
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

EVELYN SHILL,

Plaintiff,

v.

AMERICAN MEDICAL SYSTEMS, INC.,

Defendant.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:20-cv-00111-PMW

Chief Magistrate Judge Paul M. Warner

This matter was originally filed in the Southern District of West Virginia and is related to a number of other cases that are part of multidistrict litigation (“MDL”) 2325.¹ Following consolidated discovery, a group of 39 cases were transferred to the appropriate jurisdiction. The court received this case on February 20, 2020, and it was randomly assigned to the undersigned awaiting consent of the parties pursuant to 28 U.S.C. § 636(c) and Rule 73 of the Federal Rules of Civil Procedure.² District Judge Joseph R. Goodwin, from the transferring court, urged “the receiving court to immediately set these cases for trial without reopening discovery.”³

Prior to the transfer of this case, Defendant American Medical Systems (“AMS”) filed two motions in the Southern District of West Virginia. AMS filed a Motion for Partial Summary

¹ See ECF no. 37.

² See ECF no. 40.

³ ECF no. 37 at 1 (emphasis omitted).

Judgment⁴ and a Motion to Exclude the Case-Specific Opinions and Testimony of Ralph Zipper, M.D.⁵ Because this matter is pending consent of the parties, the court cannot act on these particular motions until the consent matter is resolved. Accordingly, the court DENIES WITHOUT PREJUDICE these pending motions. After the consent issue is resolved, the court will establish a schedule for the filing of any necessary motions, including those that need to be renewed.

In accordance with this court's [General Order 11-001](#) and [Fed. R. Civ. P. 73](#), the parties are given notice that this case is assigned to a U.S. Magistrate Judge. To consent or request reassignment, use the [form on this link](#) and send it to consents@utd.uscourts.gov within thirty (30) days or to the court with Attention: Consent Clerk on the envelope. Please note that no judge will be informed of a party's response unless all parties have consented to the assignment of the matter to a U.S. Magistrate Judge. Unless consents from all parties are received within thirty (30) days, the case will be randomly re-assigned to a U.S. District Judge without further notice.

Based upon the foregoing IT IS HEREBY ORDERED:

1. AMS's Motion for Partial Summary Judgment⁶ is DENIED WITHOUT PREJUDICE.

⁴ See ECF no. 29.

⁵ See ECF no. 31.

⁶ See ECF no. 29.

2. AMS's Motion to Exclude the Case-Specific Opinions and Testimony of Ralph Zipper, M.D.⁷ is DENIED WITHOUT PREJUDICE.
3. The parties shall follow the consent process as set forth above.

IT IS SO ORDERED.

DATED this 27th day of March, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul M. Warner", is written over a horizontal line.

PAUL M. WARNER
Chief United States Magistrate Judge

⁷ See ECF no. 31.